

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

636D0591

HOUSE TAXATION COMMITTEE ENGROSSED NO. **HB1205** - 2/9/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Cutler, Apa, Brown (Richard), Duenwald, Haley, Hanson, Jaspers, Konold, McNenny, Peterson, Smidt, Sutton (Duane), and Waltman and Senators Olson, Albers, Brown (Arnold), Drake, Everist, Flowers, Shoener, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for moving mobile homes or
2 manufactured homes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any transport of a used mobile home or manufactured home by a transporter shall be
7 accompanied with a notification form, as prescribed by the secretary of revenue, stating the point
8 of origin and the point of destination. The transporter shall provide a copy of the notification
9 form to the director of equalization in the county of origin and the county of destination. This
10 section does not apply to any transport regulated under chapter 32-7A. A violation of this
11 section is a Class 2 misdemeanor.

12 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any transport of a used mobile home or manufactured home by a transporter shall be

1 accompanied with an affidavit from the county treasurer of the county in which the used mobile
2 home or manufactured home is registered, stating that the current year's taxes are paid as
3 described in §§ 10-6-70 to 10-6-73, inclusive, or § 10-9-3. This section does not apply to any
4 transport regulated under chapter 32-7A. A violation of this section is a Class 2 misdemeanor.

5 Section 3. That § 32-5-16.3 be amended to read as follows:

6 32-5-16.3. Any person who moves a mobile home or manufactured home shall obtain a
7 permit, as prescribed by the secretary of revenue, from the county treasurer where the home is
8 located. The permit fee is valid for a single trip from the point of origin to a point of destination
9 within the state. Before the county treasurer may issue a permit, the owner of the mobile home
10 or manufactured home or regulated lender as defined in § 54-3-14 that is repossessing the mobile
11 home or manufactured home shall obtain an affidavit, as prescribed by the secretary of revenue,
12 from the county treasurer stating that the current year's taxes are paid as described in §§ 10-6-70
13 to 10-6-72, inclusive, and § 10-6-73 or 10-9-3. The permit fee for mobile homes and
14 manufactured homes for use on the public highways is fifteen dollars. The fees collected shall be
15 credited to the license plate special revenue fund. The fee and permit imposed by this section
16 does not apply to a new or used mobile home or manufactured home transported by a dealer
17 licensed under chapter 32-7A. A violation of this section is a Class 2 misdemeanor.

18 Section 4. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 If the owner of the used mobile home or manufactured home fails to obtain an affidavit from
21 the county treasurer of the county in which the used mobile home or manufactured home is
22 registered, stating that the current year's taxes are paid as described in §§ 10-6-70 to 10-6-73,
23 inclusive, or § 10-9-3, the court shall assess a civil penalty of two hundred fifty dollars to the
24 owner. If a regulated lender, as defined in § 54-3-14, is repossessing a used mobile home or
25 manufactured home and fails to obtain an affidavit from the county treasurer of the county in

1 which the used mobile home or manufactured home is registered, stating that the current year's
2 taxes are paid as described in §§ 10-6-70 to 10-6-73, inclusive, or § 10-9-3, the court shall assess
3 a civil penalty of two hundred fifty dollars to the lender. All civil penalties collected pursuant to
4 this section shall be deposited in the county general fund of the county in which the used mobile
5 home or manufactured home is registered.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 142

3 1/20/00 Referred to Local Government.

4 1/25/00 House of Representatives Referred to Taxation. H.J. 222

5 2/3/00 Scheduled for Committee hearing on this date.

6 2/3/00 Deferred to 36th legislative day, AYES 9, NAYS 3. H.J. 403

7 2/8/00 Taxation Reconsidered, AYES 9, NAYS 0.

8 2/8/00 Taxation Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 499

9 2/8/00 Taxation Hog Housed.